

April 27th, 2005
MCA-MDT Technical Committee Meeting

The meeting began at 8:00 a.m. Bob Warren opened the meeting with introductions.

NEW BUSINESS FROM MDT

- 1. Specification 701.02.7 Crushed Top Surfacing Type "B"** will be out for comment at the end of April. MDT proposes to require a wear factor not exceeding 40% instead of 50%.
- 2. Forms 406 & 407** Beginning with the April letting there will be a Special Provision requiring these forms to be submitted to document compliance with the Buy America requirements (Federal Law). MCA will send out a bulletin to its members, particularly because of the 5-day requirement.
- 3. Bid Express** A test letting was held and attended by only two Contractors. There will be another test letting in about one week. MDT will also hold training in May.

AGENDA ITEMS

- 1. Letting Schedule.** Nothing new in regards to the Highway Bill.
- 2. Design Build.** Depuyer is on track. No other D-B projects planned in the immediate future. MDT still anticipates reporting back to the Legislature 2-years early on the results.
- 3. Pre-permitting by Environmental Bureau.** MDT will continue pre-permitting on a case-by-case basis particularly on well-defined items like culvert installation. It is less likely for areas where the sequencing is unknown (example: work bridges).
- 4. Traffic Control (Units vs Lump Sum).** MCA feels strongly that this issue will continue to cause problems and believes it is a safety issue. Dutton and Pendroy were given as examples of how the two types are administered differently.
- 5. Erosion Control.** MCA brought up a problem with measurement of straw wattles (Fiber Rolls). Netting is sold to produce "Nominal" diameter rolls (11" or 12") and MDT is measuring actual diameters (10.5") resulting in lower rates. MDT will look into the wording in the rate schedule.
- 6. Utility Task Force.** Nothing happening due to the Legislative session. All agree we need to move on this issue and the sooner the better.
- 7. Contract Time.** MCA would like to see more flex time. MDT looks at the possible use for all projects and allows it when possible. MDT advised that the days are now on the preliminary sheets and MCA is free to comment on contract time.
- 8. Subcontractors 101.69 108.01.** MCA would like to see the 40% based on subcontract amounts rather than on the bid price. MDT believes that FHWA requirements are being followed in calculating the 40%. MDT and MCA agree that it is important to prevent "suitcasing" of projects and do not want to go to 30% as allowed by FHWA. Clarification will be coming from FHWA for the next meeting.
- 9. Protection of Property 107.10.** MCA believes that it is wrong to blame the Contractor for damage to roads if the Contractors equipment is hauling legally on public roads. MDT advised this is a political situation and several bills were contemplated for the legislative session that would have placed a huge financial burden on both MDT and the Contractors. MDT and MCA agreed that better definitions of responsibility are needed and FHWA needs

to clarify if they would participate in funding for haul road repairs. MDT feels this may be difficult since we do not know what roads will be used prior to the award. Discussion will continue on this item.

10. Payment of Estimates. MCA advised that payments are often late with some items not getting on the monthly estimates in a timely manner. Cash flow may be causing some contractors to avoid work with MDT. MDT would like to go to bi-monthly (every 2-weeks) payments but this will not happen until Site Manager. MCA indicates it is very common for items not to be paid for 30, 60 or more days and asked that guidance be given to the field crews stressing the importance of cash flow and timely payments to Contractors. If there is a problem with particular EPM's being late with payments, the Contractor should discuss it with the District Construction Engineer. MDT stated there is also a problem with bridge items and the schedule of payments that will be looked at for improvements. MDT also has situations where material acceptance or certification may delay payments. MDT agrees that Contractors need to be paid in a timely manner for work that is performed and accepted and will continue to work on this item.

NEW BUSINESS FROM MCA

1. Dates for Chip Seal. MCA feels that there is inconsistency in the chipping dates, temperature requirements and Seal Coat Warranty. MCA would prefer that dates be dropped and temperature be the deciding factor, particularly with the warranty. MDT stated that the warranty is limited in duration and our experience with work after September 1st has been that the results are less than desirable. MDT does not want to be too restrictive but at the same time must receive a quality product and this result is both date and temperature related. Discussion will continue on this item.

2. Delineator Layout and Staking. MCA advised that they were required to layout the delineator locations on a recent project. They can perform that task, but need to know ahead of time to include that cost in the bid (that has never been required in the past). MDT will look into this specification.

The next meeting will be **May 25th, 2005**, beginning at 8:00 a.m. at the **MCA Office**.

cc: Gene Kaufman, FHWA
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